

**From:** Reid Brockway <waterat@comcast.net>  
**Sent:** Monday, July 16, 2012 6:31 AM  
**To:** ECA  
**Subject:** Feedback on Evaluation Form

The following are two comments in response to the Commission's request for feedback on the Evaluation Form and the major/minor item list.

1. The Evaluation Form for the major issues should include the topics "Relevant BAS" and "Practice of Other Jurisdiction". I.e., the form should not embed these important topics under another topic (such as Relevant Information) where they might be overlooked. These are two key factors that weight into the decision on most if not all proposed amendments apart from those that are truly administrative.
2. A structured approach should be devised for capturing the relevant factors for the Minor items as well. While categorized as "minor", a number of these are important, complex, and potentially controversial. (Just one example: 2-4 Add functional criteria for allowing buffer reductions.) A form should be devised for these items as well. It probably does not need to be as extensive as the Evaluation Form for Major items, but it should at least ensure that the amendment is characterized as well as its rationale and context in the current code, and that the relevant considerations are documented -- BAS, practice of other jurisdictions, policy support, etc.

EXHIBIT NO. 171

## Debbie Beadle

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**From:** James Osgood <james.osgood.officefinder@gmail.com> on behalf of jim@officefinder.com  
**Sent:** Tuesday, July 17, 2012 3:35 PM  
**To:** ECA  
**Subject:** Comment related to Minor item 4.3 re: EHNSWB overlay  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### Current Code Language

#### **21A.50.220 Erosion hazard areas – Development standards and permitted alterations.**

3(a) A no-disturbance area shall be established on the sloped portion of the special district overlay to prevent damage from erosion. The upslope boundary of the no-disturbance area lies at the first obvious break in slope from the upland plateau over **onto the steep valley walls**. The downslope boundary of the no-disturbance area is the extent of those areas designated as erosion or landslide hazard areas. The department shall maintain maps of the approximate location of the no-disturbance areas, which shall be subject to field verification for new development proposals.

#### **Minor Item as currently designated**

Erosion Hazard near Sensitive Water Body overlay

4-3. Amend the description of the top of the no-disturbance area for clarity and require that delineation of the no-disturbance area by qualified consultant [SMC 21A.50.225(3)(a)].

#### **Comment**

I believe that item 4.3 re: EHNSWB overlay description is a major item. Specifying the slope that determines the top of the no-disturbance area is an important issue and affects many property owners. My understanding is that the current staff recommendation would be at the point where the slope is 15% or greater. The intention of the no-disturbance area, as described in the current code language above, is to protect the steep valley walls from eroding into Lake Sammamish. The generally accepted BAS for the definition of steep slopes is at 40% or greater. AMEC also defined a steep slope in its BAS landslide areas at 40%, as well. If there are no nearby downstream steep valley walls, should that area be included as the top of no-disturbance area? Shouldn't the top of the no-disturbance area be related to the steep valley walls being within a certain distance downstream of the beginning of the designated area? To use language such as "steep valley walls" and then not give consideration to where they are located. Or not located, is inappropriate.

We need to look at the purpose of the no-disturbance area and then make a decision as to where it should begin.

Erosion control can be easily handled on slopes that are not steep and would not be a risk to Lake Sammamish.

*Jim Osgood*

*(425) 391-8900 Extension 4*

EXHIBIT NO. 172

**Debbie Beadle**

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**From:** James Osgood <james.osgood.officefinder@gmail.com> on behalf of jim@officefinder.com  
**Sent:** Tuesday, July 17, 2012 4:03 PM  
**To:** ECA  
**Subject:** Comments regarding Minor items and Evaluation forms

1. It is my opinion that the commission should take a look into an item not yet discussed:

**SMC 21A.50.190 Critical area tracts and designations on site plans**

- (1) Critical area tracts shall be used to delineate and protect those critical areas and buffers listed below in development proposals for subdivisions, short subdivisions, or binding site plans .....
- (2) Any required critical area tract shall be held in an undivided interest by each owner of a building lot within the development ...

Since the critical area has been designated as such for the public benefit, the public should take ownership of these tracts, not the owners of the building lots. They should not have to pay taxes on the property or be responsible for its care if it benefits all.

2. Item 2-1. Amend wildlife corridor regulations after the City has determined the needs of the species it most wants to protect and the constraints posed by existing development.

Item 2-2. Amend the minimum width of wildlife corridors to increase wildlife protection in those areas not already constrained by existing development.

I am not sure how you can designate this a minor item without having any information as to which wildlife is important and what effect that might have on property owners.

3. Item 5-6. Revise the requirements for critical areas studies contained in SMC 21A.50.130.

I believe this is where the commission is considering adding the 3<sup>rd</sup> party review option for the city. If the city does not have the expertise to evaluate a study provided by a bona fide expert hire by the property owner, as specified in the code, the City should have the responsibility to select and pay for the cost of their expert, not the applicant

4. At the meeting is was my understanding that only the major items would have an evaluation form completed. There also needs to have an evaluation form of some sort for the minor items and the not advanced items so that the City Council can get a clear understanding as to the thought process and reasons for the decisions related to those items.

5. The evaluation form, as proposed, is to evaluate the effect of the change from the old code to the new code. I would also like to see a rating of the overall environmental benefit of the item as well as the overall effect the code has on property owners. An example might be the EHNSWB no-disturbance overall that would possibly have a moderate environmental benefit, but a very high effect on property owners.

6. The evaluation form should also show how the item, and the decision related to the item, relates the City's GMA Goals.

Thank you for your consideration.

*Jim Osgood*  
19661 SE 24<sup>th</sup> Way  
Sammamish, Wa 98075  
(425) 391-8900 Extension 4

**EXHIBIT NO.**

**173**

**Proposed Changes to the ECA Major/Minor Item List**

July 18, 2012

EXHIBIT NO.

174

**General comment regarding categorized ECA Items:**

Some items that have been categorized as minor are believed to be major. As it stands now the impression by the public is that only the 12 major items are to be given serious discussion or consideration, and the minor items will be gone through with a quick up or down vote. Certainly, not all minor items are equally minor. I believe it would fitting to add an "Intermediate" category and move certain items requiring a little more scrutiny from the minor category into the intermediate category. Only truly minor items should remain categorized as minor. Example: Appendix B item 1-4 (Seismic Hazard Area definition) would remain minor, while items like 2-4, 2-5, 3-5 (buffer criteria) should be at least categorized as intermediate.

**\* Expanded written comments will be submitted to the Planning Commission in support of the following 3 Items: \***

**Add Minor Item**

**Topic:** Frequently Flooded Areas (FFA)

**Change:** Remove SMC 21A.50.230 (1)(b) in which the Director may use additional flood information that is more restrictive. Extensive verbal comment w/ppt was presented to the Planning Commission on April 5, 2012 regarding this proposed change.

**Reasons:**

- 1) FEMA related authority lies with the City Manager in SMC 15.10.130(2).
- 2) Code contains one sided adversarial language in which the Director can be more restrictive than FEMA requirements, which is unnecessary.
- 3) The 100 yr floodplain for Lake Sammamish has been established by the Army Corps of Engineers as 32.5 ft NGVD29, which has been used by King County DDES for decades, and is accepted and used by FEMA. Since the Sammamish River flood control project was constructed nearly 50 years ago, this 100 yr flood elevation has never come close to being reached.
- 4) FEMA maps have been updated to the newest whole number vertical datum of 36 ft NAVD88, which corresponds to the 32.5 ft NGVD29 elevation.

- 5) The City does not even have the Flood Insurance Study for King County as required in SMC 21A.50.230 (1)(a), yet the City is imposing a more restrictive flood elevation (33 ft NGVD29) than required by the federal program.

**Add Intermediate Item**

**Topic:** Critical Area Tracts

**Change:** Remove SMC 21A.50.190, Critical area tracts and designations on site plans.

**Reasons:**

- 1) The private property owner of a parcel should be deciding how to divide one's own property, including the size & shape of new lots as well as ownership criteria (individual or undivided interest), not a government agency.
- 2) Most critical area designations are viewed by property owners, or potential owners, as a scarlet letter on the property's title. It makes no sense that new lots created by subdivision, which are not burdened by a critical area, should share in a scarlet letter burden.
- 3) This regulation requires parcels with critical areas to create more lots when subdividing than a similar subdivision without critical areas would create. This regulation seems to border on being unconstitutional.

**Add Intermediate:**

**Topic:** Calculations – Site area used for density calculations

**Change:** Modify 21A.25.080 to include steep slopes and buffers, Categories 1 – 4 wetlands and buffers, Types S, F, Np, and Ns streams and buffers, in site density calculations.

**Reasons:**

- 1) Properties are taxed as buildable lots regardless of the critical area.
- 2) Since only 55% of a typical R-4 lot can be developed, the remainder of the lot is effectively private open space. With critical areas and/or buffer areas already considered de facto open space, if there remains a cohesive or feasible gross building area of at least 55% on an encumbered lot, then for all practical purposes the encumbered lot would be no different than any other typical buildable R-4 lot.

Presented by,  
Rory Crispin

**Debbie Beadle**

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**From:** meggee@comcast.net  
**Sent:** Tuesday, July 17, 2012 8:51 PM  
**To:** ECA  
**Cc:** Megan gee; David Gee  
**Subject:** Proposed Revision to Planning Commission Evaluation Form  
**Attachments:** GMA GOALS ECA CHOICE CHART.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

One suggestion for your consideration is to use a form that ties the planning process to the statutory goals of the Growth Management Act, and allows decisions to be reached by weighing and balancing those goals. Attached for your consideration is a format that includes a GMA Goal matrix. Note that we have included all 13 goals (verbatim) within the matrix in this draft, recognizing that the Commission may wish to streamline the template by omitting any of the GMA goals that lacks direct relevance to the ECA code review process.

With regard to classifying items as "major vs minor", it may be helpful to the City Council as well as to other stakeholders for the Commission to provide a clearer explanation of the distinction between the two categories, and the reasons a particular item is in one category rather than another. Likewise, it may be beneficial for the Commission to clarify how the deliberation/approval process will differ between the two classes.

Thank you all once again for your time and effort to make this process successful.

David and Megan Gee  
22201 NE 28th PL  
Sammamish, WA

EXHIBIT NO. 175

## EVALUATION FORM

ITEM X-X

Existing Regulations [Affected Code Section(s)]	Proposed Amendment & Description	Background
		<b>Amendment Source:</b>  <b>Policy Support:</b>  <b>Relevant Information:</b>  <b>Public Comment Reference(s):</b>  <b>PC Comments:</b>

GMA GOALS	Impact? Y/N	Positive (+) Rate as High (3) Medium (2) Low (1)	Negative (-) Rate as High (3) Medium (2) Low (1)
<b>Urban Growth:</b> Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.			
<b>Economic Development:</b> Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.			
<b>Property Rights:</b> Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.			
<b>Environment:</b> Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.			
<b>Permits:</b> Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.			
<b>Citizen Participation + Coordination:</b> Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.			
<b>Housing:</b> Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.			
<b>Reduce Sprawl:</b> Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.			
<b>Open Space and Recreation:</b> Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.			
<b>Transportation:</b> Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.			
<b>Natural Resource Industries:</b> Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.			

EVALUATION FORM

ITEM X-X

<b>Public Facilities and Services:</b> Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.			
<b>Historic preservation.</b> Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.			